March 15, 2021
ARDR
(9)

WPA 11284 of 2020

Swapan Maity
Vs.
WBSEDCL & Ors.

Mr. S. Ghosh,
Mr. K. C. Sahoo,
Mr. K. Das,
...for the petitioner.

Mr. Soumik Ganguly,
...for the private respondent no.7.

Mr. Mihir Kundu,
...for the WBSEDCL.

Mr. Jahar Datta,
Mr. Jaladhi Das,
...for the State.

The grievance of the petitioner is directed against a submersible pump being installed by the private respondent no.7 in Plot No. 1104, Mouza Mallickpur, Patashpur –2 Block, Police Station Patashpur, District Purba Medinipur.

It is alleged on behalf of the petitioner that it is necessary to have a 50 feet distance before installation of any such pump by the private respondent.

The petitioner relies on a judgment reported in ***2005 (4) CHN 24*** in the case of ***(Secretary, West Bengal State vs. Deb Kumar Jash & anr.)***.

Counsel appearing on behalf of the Distribution Company is represented and submits that under the prevalent Rules and Regulations, there is no such Rule whereby the pump of the private respondent no.7

must be only situated at a distance of 50 feet from the submersible pump of the petitioner.

The private respondent no.7 is also represented.

In view of the submissions of the parties and more particularly in view of the submissions of the Distribution Company, I am of the view that there is no scope for passing any order in favour of the petitioner.

Admittedly, under prevalent Rules and Regulations the Distribution Company has categorically submitted that there is no law which provides that the distance between two submersible pumps must be at a distance of 50 feet.

In view of the submissions of the parties, there is no merit in the petition and the same is dismissed.

WPA 11284 of 2020 stands dismissed. However, there shall be no order as to costs.

(Ravi Krishan Kapur, J.)